

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-42 are pending in the application. Claims 1, 16, 32 and 42 are independent claims. Claim 42 is added by this Amendment.

Allowable Subject Matter

Applicants note with appreciation the indication on page 12 of the Office Action that claims 6-9, 21-24 and 37-41 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants submit this is not necessary in view of the following remarks.

35 U.S.C. 103(a) – Nicholls in view of Gebara

Claims 1-2, 10-17 and 25-33 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 7,058,368 (“Nicholls”) in view of U.S. Patent No. 7,123,676 (“Gebara”). Applicants respectfully traverse this art grounds of rejection.

Gebara was filed as a non-provisional application on November 17, 2004, and claims priority to U.S. Provisional Application No. 60/520,592 filed on November 17, 2003. The pending application is a national stage entry of PCT Application PCT/US2004/007708 that was filed on April 6, 2004, and claims priority to U.S. Provisional Application No. 60/460,571 filed on April 7, 2003. Accordingly, the April 7, 2003 priority date of the pending application is earlier than the November 17, 2003 earliest priority date of Gebara. For this reason, Gebara is not available as prior art which may be used in a 35 U.S.C. § 103(a) rejection.

Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

35 U.S.C. 103(a) – Nicholls in view of Gebara in further view of Bolin

Claims 3-5, 18-20, 34-36 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 7,058,368 (“Nicholls”) in view of U.S. Patent No. 7,123,676 (“Gebara”) in further view of U.S. Patent No. 7,194,275 (“Bolin”). Applicants respectfully traverse this art grounds of rejection.

As noted above, Gebara is not available as prior art which may be used in a 35 U.S.C. § 103(a) rejection. Accordingly, this rejection should be withdrawn for at least this reason.

Further, Bolin was filed as a non-provisional application on September 30, 2004, and claims priority to U.S. Provisional Application No. 60/507,516 filed on October 2, 2003. Accordingly, the April 7, 2003 priority date of the pending application is earlier than the October 2, 2003 earliest priority date of Bolin. For this reason, Bolin is not available as prior art which may be used in a 35 U.S.C. § 103(a) rejection.

Because both Bolin and Gebara cannot be used as prior art against the pending application, Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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